UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 7

FOGG SLIFER & POLGLAZE, P.A.
P.O. BOX 581009
MINNEAPOLIS, MN 55458-1009

COPY MAILED

AUG 2 9 2001

OFFICE OF PETITIONS

In re Application of
Mark Kaplun and Amir Cohen
Application No. 09/783,626
Filed: February 14, 2001
Attorney Docket No. 100.004US01
For: ALARM MECHANISM

: DECISION REFUSING
: STATUS UNDER
: 37 CFR 1.47(b)

This is in response to the renewed petition under 37 CFR 1.47(b), filed August 22, 2001.

The petition is dismissed.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventors. Extensions of time under 37 CFR 1.136(a) are permitted. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration;
(2) an acceptable oath or declaration;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest; and
(6) proof of irreparable damage.

Applicant lacks items (1) and (2).

As to item (1), a review of the contents of the emails supplied makes the following statement in the original petition ambigous: "On or about May 2, 2000, I received from ADC's patent attorneys a first draft of the patent application for the above proposed patent and immediately forwarded it to the inventors." Petitioner must MAIL a copy of the application to both inventors. Unless the non-signing inventor is presented with a copy of the application papers, he cannot attest that he has "reviewed and understands the application papers" and therefore cannot sign a declaration, and the failure to sign will not constitute refusal within the meaning of 37 CFR 1.47. Sending a copy by email is unacceptable unless petitioner can prove that both nonsigning inventors were able to open the attachment and read the full document. If petitioner mailed a copy of the application to both inventors, then a statement to that effect should be supplied. If petitioner has not mailed a copy to both inventors, then such a copy should be mailed.

As to (2), a review of the declaration indicates that the portion with the inventors name, that has a background in grey, is illegible. Petitioner may wish to take steps to make the declaration more amenable to being sent by facsimile transmission or may wish to mail a copy of the declaration.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy